

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67159 of 2022

Arising Out of PS. Case No.-380 Year-2020 Thana- SIWAN COMPLAINT CASE District-
Siwan

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KAMLESH CHAUDHARY S/o Late Gena Chaudhary R/o Village-
Ramapali, P.S.- Maharajganj, Distt- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lilawait Devi W/o Kamlesh Chaudhary R/o Village- Naya Bazar, P.S.-
Maharajganj, Distt-Siwan.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ramchandra Sahni, Advocate
For the State	:	Ms. Indu Kumari Srivastava, APP
For the O.P. No.2	:	Mr. Vijay Prakash Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 22-05-2023 Heard learned counsel appearing on behalf of the

parties.

The accused/petitioner is named in the complaint
petition and apprehend his arrest in connection with Complaint
Case No. 380 of 2022, where, cognizance has been taken for
offences punishable under Sections 323, 341, 406, 498A, 504/34
of the Indian Penal Code.

The allegation against the petitioner is to commit
cruelty upon complainant, due to non-fulfillment of demand of
dowry, as raised for cash of Rs. 2,00,000/-.

Learned counsel appearing on behalf of the petitioner
submitted that complainant willfully deserted the petitioner,



however, petitioner is ready to pay Rs. 2,500/- monthly, as interim maintenance to Opposite Party No.2, namely, Lilawati Devi, who is residing single by leaving her daughter with petitioner aged about 7 years. It is submitted that petitioner is a rural labour and is earning about Rs. 12,000/- per month and Supplementary Affidavit of this effect has already filed before this Court on 05.05.2023.

Learned APP duly assisted by learned counsel appearing on behalf of the informant, appears in agreement with amount as offered for interim maintenance i.e. Rs. 2,500/- per month till finding of concerned Family Court.

Considering the aforesaid facts and circumstances of the case, as petitioner is ready to pay Rs. 2,500/- to Opposite Party No.2/wife, as an interim maintenance, accordingly above named petitioner, in the event of his arrest or surrender before learned court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan /concerned Court, where the case is pending in connection with Complaint Case No. 380 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C with further



condition:

“(i) That petitioner is directed to pay Rs. 2,500/- to given bank account of O.P. No.2/wife, namely, Lilawati Devi in her bank account available with the petitioner and if the bank account is not available with petitioner for any of the reason, petitioner is directed to get her bank account opened, positively, within a period of 15 days from the date of this order, where, monthly interim maintenance amount be deposited on 7th day of English calander.

(ii) Payment as aforesaid be made from January 2023 with all its arrears and such total of Rs. 12,500/- be deposited in bank account of informant by 7th June, 2023 or by the date on which bail bond is being furnished by petitioner, whichever is earlier.

(iii) Non-compliance for two consecutive months liable to cancel the bail bond of the petitioner by learned Trial Court itself.

(Chandra Shekhar Jha, J)

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